

REMARKS

In the Office Action issued on November 2, 2009, the Examiner:

objected to claim 1 for informalities;

rejected claims 1, 3, and 16 under 35 U.S.C. §102(e) as being anticipated by United States Patent Application Publication No. 20030176912 to Chuter ("Chuter"); and

rejected claims 1, 3, 10, 11, 13, 14 and 16 under 35 U.S.C. §103(a) as being rendered obvious by United States Patent Application Publication No. 2002/0138135 to Duerig et al. ("Duerig") in view of International Patent Application No. WO 99/62431 to Pavcnik ("Pavcnik").

Applicants have carefully reviewed the subject Office Action and the cited references, and submit this Reply and Amendment in response to the Examiner's objections and rejections.

Applicants submit this Reply and Amendment under the provisions of 37 C.F.R. §1.116 to comply with the requirements of form expressly set forth by the Examiner in the Office Action. Entry of the amendments made herein is believed to be appropriate under §1.116 and is requested. Reconsideration of the application for patent in light of the amendments and remarks made herein is also requested.

Amendments to the claims

Applicants have herein amended claim 1 to overcome the objections and to comply with the requirements of form listed by the Examiner in the Office Action. All amendments made herein are fully supported by the application as filed; no new matter has been introduced.

Applicants have amended dependent claims 10 and 13 to update antecedent basis for the "graft sheet" element, which was necessitated by the

amendments made herein to independent claim 1.

Applicants have also herein amended withdrawn dependent claims 9, 12, and 15 to correct dependency and antecedent basis issues presented by the amendments made to independent claim 1. Pursuant to 37 C.F.R. §1.121(c)(2), these claims include the “withdrawn – currently amended” status identifier.

New claims

Applicants have herein added new claim 32. This new claim depends from independent claim 1, the sole remaining independent claim, and is fully supported by the application as filed. No new matter has been introduced.

Exemplary support for claim 32 is found in paragraph [0056].

Entry of this new claim in this After Final Reply and Amendment is believed to be appropriate as applicants have herein cancelled a corresponding number of finally rejected claims. Specifically, applicants have herein cancelled dependent claim 16, which stands finally rejected.

Claim objections

The Examiner objected to claim 1 for informalities. Specifically, the Examiner indicated that “the setting forth that the struts are interconnected by bends (see lines 2-3) followed by setting forth that the struts comprise bends (lines 3-8) is confusing in view of the invention as disclosed.” The Examiner suggested deleting the language “interconnected by bends” to overcome the objection.

Applicants have herein amended claim 1 to make the change suggested by the Examiner. Applicants make this amendment solely to overcome the Examiner's objection and not to limit or otherwise change the scope of protection sought.

The Examiner also objected to claim 1 on grounds that “the inner and outer surfaces” lack clear antecedent basis. The Examiner suggested deleting “the” to overcome the objection.

Applicants have herein amended claim 1 to make the change suggested by the Examiner. Applicants make this amendment solely to overcome the Examiner's objection and not to limit or otherwise change the scope of protection sought.

Applicants respectfully submit that these amendments to claim 1 overcome the listed objections. Withdrawal of all objections to the claims is respectfully requested.

Rejections under 35 U.S.C. §102

Applicants have herein amended claim 1, from which all rejected claims depend, to comply with the requirements of form listed by the Examiner in the Office Action. As the Examiner indicated that these amendments would place the claims in condition for allowance, Applicants respectfully assert that this rejection of the claims has been rendered moot in light of these amendments to the claims.

Withdrawal of this rejection of the claims is respectfully requested.

Applicants note that a determination as to whether Chuter qualifies as prior art has not been made and this Reply and Amendment is not an admission that the reference qualifies as prior art.

Rejections under 35 U.S.C. §103

Applicants have herein amended claim 1, from which all rejected claims depend, to comply with the requirements of form listed by the Examiner in the Office Action. As the Examiner indicated that these amendments would place the claims in condition for allowance, Applicants respectfully assert that this rejection of the claims has been rendered moot in light of these amendments to the claims.

Withdrawal of this rejection of the claims is respectfully requested.

Rejoinder

Applicants respectfully request that the Examiner remove the restriction

requirement with respect to claims 4 through 7, 9, 12, and 15. Each of these claims depends from independent claim 1 which, as amended herein, defines allowable subject matter. These claims, therefore, can be rejoined in the application pursuant to M.P.E.P. §821.04(a).

Applicants respectfully request that the Examiner treat claims 8, 30 and 31 as remaining withdrawn from consideration as a result of the restriction requirement because they are drawn to embodiments that are mutually exclusive of claim 1.

CONCLUSION

Applicants have fully responded to the objections and rejections listed by the Examiner in the November 2, 2009 Office Action.

Applicants submit this Reply and Amendment under the provisions of 37 C.F.R. §1.116 to amend claim 1 to comply with requirements of form expressly set forth by the Examiner in the Office Action. Entry of this amendment under §1.116 is appropriate and is respectfully requested.

Furthermore, Applicants maintain that all pending claims define patentable subject matter. A Notice of Allowability relating to all claims currently under consideration remains appropriate and is respectfully requested.

Should the Examiner have any questions regarding this Reply and Amendment, or the remarks contained herein, the undersigned attorney would welcome the opportunity to discuss such matters with the Examiner.

Respectfully submitted,

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